

## **OUT-OF-HOME INVESTIGATIONS (OHI)**

### CHILD CARING FACILITIES

Out-of-home investigations present unique situations for the CA/N investigator. Issues include whether CA/N is present or if a licensing violation in a child caring facility without CA/N has occurred. "Licensing violation" is defined in the Definitions of this Handbook. The following considerations may be applied, as appropriate, for a variety of out-of-home investigations. Any findings that indicate only licensing violations should be referred to the appropriate licensing representative.

- Were the required number of caregivers on duty?
- Where were the caregivers?
- How long were the children left alone (if applicable)?
- Were there any injuries?
- Are there any prior CA/N reports?
- Corporal punishment that leaves no injuries may be a licensing violation.
- Not having the appropriate number of staff on duty is not necessarily lack of supervision for CA/N, although it is a licensing violation.
- Raising the voice to children is not necessarily emotional maltreatment.
- A lack of required safety equipment is not necessarily child neglect although it may be a licensing violation.

### **CA/N REPORTS**

#### Public School Personnel Named as Alleged Perpetrator

When Children's Division (CD) receives a child abuse report which involves personnel of a school district, the Child Abuse/Neglect Hotline Unit (CANHU) will refer the report to the Division's Out-of-Home Investigation Unit (OHI), which will notify the school superintendent (or the president of the school board in situations involving a report concerning the superintendent). Based on the information supplied in the report and discussions with the OHI investigator, the superintendent (board president) and the OHI investigator should decide how to proceed.

#### Spanking

If the superintendent determines, after an initial assessment, the alleged incident arose out of or is related to a spanking administered by certified school district personnel according to written discipline policy, he/she will notify the juvenile officer of the county in which the alleged incident

occurred, and the report shall be jointly investigated with the juvenile officer or law enforcement officer designated by the juvenile officer. The investigation shall begin no later than two working days after notification from the OHI Unit is received. **CD will not be involved in these investigations.** The investigation shall consist of, but need not be limited to, interviewing and recording statements of the child and his or her parents or guardian, of the school district personnel allegedly involved in the report, and of any witnesses to the alleged incident.

Separate reports by the superintendent and juvenile officer are made to the school board within seven days of receiving the report from CD, with their findings and recommendations. The report of alleged child abuse is "preponderance of evidence " or "unsubstantiated."

The school board, within seven days of receiving the last of the two reports, will consider the separate reports and issue its findings and conclusions, which are sent to the CD/OHI investigator who notified the superintendent of the report. The findings and conclusions will be one of the following:

- The report of the alleged child abuse is "unsubstantiated." The juvenile officer or the law enforcement officer designated by the juvenile officer, and the investigating school board personnel agree that the evidence shows that no abuse occurred.
- The report of the alleged child abuse is "preponderance of evidence." The juvenile officer or the law enforcement officer designated by the juvenile officer, and the investigating school district personnel agree to a finding that the alleged incident of child abuse did occur. The OHI investigator will forward the information to the prosecuting attorney; or
- The issue involved in the alleged incident of child abuse is unresolved because the juvenile officer or a law enforcement officer designated by the juvenile officer, and school personnel are unable to agree on their findings and conclusions on the alleged incident. The OHI investigator will forward the information to the prosecuting attorney. Depending on whether the prosecuting attorney takes action on the report, the finding will be either "preponderance of evidence" or "unsubstantiated."

After receiving the final conclusion from the investigation, the OHI Unit will send a CA/N Disposition Form Letter (CS-21) to the alleged perpetrator, and the child's custodial and non-custodial parents, with a copy to the superintendent.

#### Reports Made Solely For The Purpose of Harassing a Public School Employee

Section 160.261 RSMo. also allows the superintendent (board president) to assess if the report has no merit, and was made for the sole purpose of harassing a school employee. The superintendent (board president) should make this decision in consultation with the OHI investigator. If there is any doubt that the allegation(s) is completely false, the superintendent should refer the case to CD for investigation. Because of the serious nature of some allegations, it is important that those individuals trained to investigate such reports (CD and law enforcement) be involved prior to the interview of the child or alleged perpetrator.

TITLE: CHILD WELFARE MANUAL  
SECTION 2: INTAKE  
CHAPTER 4: INVESTIGATION RESPONSE  
ATTACHMENT L: OUT-OF-HOME INVESTIGATIONS UNIT (OHI)  
EFFECTIVE DATE: August 28, 2004  
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If the superintendent determines that the report was made for the sole purpose of harassing a school employee, then he/she must take the same steps as outlined above regarding spanking.

#### Other Child Abuse/Neglect Reports

If the report does not allege spanking by a certified school personnel pursuant to a written policy of discipline, or is not harassment, the report is to be investigated by an OHI investigator. The superintendent (board president) will be considered a member of the multidisciplinary investigation team and, as such, may be involved in the investigation. This will allow him/her to have access to appropriate information and to be notified as to the outcome of the investigation.

#### State Schools for the Severely Handicapped, Deaf, and Blind

When a report involves an incident occurring at a State School for the Severely Handicapped, Deaf, or Blind, the respective state superintendent is involved.

Superintendent - State School for the Severely Handicapped, Department of Elementary and Secondary Education (DESE), P.O. Box 480, Jefferson City, Missouri 65102 (573-751-4427).

Superintendent - State School for the Blind, 3815 Magnolia, St. Louis, Missouri 63110 (314-776-4320).

Superintendent - State School for the Deaf, 505 East Fifth Street, Fulton, Missouri 65251 (573-592-4000).

The Relay Missouri is 1-800-735-2966 (Telecommunication for the Deaf).

Related Subject: Attachment J, of this chapter, School Related Issues.
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The CD investigation will begin when the report is received from the superintendent. OHI will use Delayed Conclusion code of "G," Awaiting School Action (OHI only), when there is a delay in completing the investigation due to a delay in receiving the report back from the superintendent.

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